



Missouri  
Department of  
Natural Resources

DAM AND RESERVOIR SAFETY COUNCIL MEETING  
DEPARTMENT OF NATURAL RESOURCES  
UNIVERSITY OF MISSOURI – ROLLA/MCNUTT HALL RM.#124  
ROLLA, MISSOURI

December 14, 2004

Mary Hagerty, Chairman of the Dam and Reservoir Safety Council, called the meeting to order at 10:30 a.m. in the conference room at the Geological Survey and Resource Assessment Division in Rolla, Missouri.

Council members present were Mary Hagerty, Dean E. Freeman, Zoretta Schoonover, Jeff Cawlfeld, John Boyer, and Richard Frueh. Members of the Water Resources Program (WRP) present were Jim Alexander, Tammy Theilen, Robert Clay, Matt Dunn and Paul Simon. Representing the Attorney General's Office was Dan Massey, Assistant Attorney General.

**INTRODUCTION OF GUESTS**

Guests present were Clarence Schoonover and Betty Freeman. Mary Hagerty invited questions and comments as they had input into the meeting.

**MINUTES OF THE SEPTEMBER 8, 2004 COUNCIL MEETING**

Mary Hagerty asked if anyone had any comments regarding the September 8, 2004 council meeting minutes. John Boyer made a motion to accept the minutes of the September 8, 2004 meeting as written. Richard Frueh seconded the motion and the motion passed.

**STATUS OF PERMITS**

The council was updated on the number of permits that the program has issued since the last meeting, the new dams that are currently under construction, and where the program stands with regard to bringing the total number of regulated dams into compliance.

**UPDATE ON STATUS OF RENEWAL INSPECTION EFFORT**

Mr. Alexander used a list of dams with expired permits to give the council an update on where the program stood in regard to bringing these dams back into compliance.

**COUNCIL NOTICE OF VIOLATION**

***Mineral Point #2 Dam – MO31158*** – Mr. Alexander gave a brief history of the dam. The Mineral Point #2 Dam is an old barite tailings dam. Years ago gravel was removed from the dam without an approved construction permit. As this created a potentially unsafe situation on the embankment, the

program has been working with the owners to restore the dam. The owners have applied for and received a construction permit to restore the dam to meet the registration permit requirements. Mr. Alexander explained that now that this construction permit has expired, the owners are required to either submit an application for a registration permit or request an extension of their construction permit to give them additional time to complete the work. They have done neither. Bob Clay commented that he recently driven by the dam and it did appear that the work had been done. However, efforts to get the owner's engineer to submit a certification indicating that the work has been completed have been unsuccessful.

Mr. Frueh made a motion to send the owner a Council Notice of Violation asking the owner to either submit an engineer's certification that the work has been completed in accordance with the approved plans, or request an extension of the construction permit to give them more time to complete the work. Mr. Cawlfieid seconded the motion and it passed.

***Busch Wildlife Area #35 Dam – MO10092*** – Mr. Alexander gave a brief history of the dam. He explained that when the permit renewal inspection was last performed, it was discovered that development had occurred downstream of the dam. Due to the potential that this could change the hazard classification of the dam, the permit was not renewed. The Missouri Department of Conservation (MDC) then had to decide whether to perform a breach analysis of the dam to justify their current hazard classification or upgrade the dam to meet the spillway requirements for the higher hazard class.

A staff notice of violation was sent to MDC on June 22, 2004 asking them to either submit a construction permit addressing the spillway issue or provide justification for the current hazard classification of the dam. Prior to the council meeting, MDC submitted a letter indicating that a construction permit application would be submitted in February 2005 to complete the work on the dam. Mr. Alexander recommended no further enforcement action at this time, and no council members expressed disagreement with the recommendation.

### **ATTORNEY GENERAL REFERRALS**

***Anich Dam- MO40125*** – Mr. Alexander gave a brief history of the dam. He explained that the dam was built without a construction permit. When it was discovered that the dam was over 35 feet in height, a letter was sent the owner advising him to retain an engineer to assist in bringing the dam into compliance with the dam safety law.

On April 6, 2004, a staff notice of violation was sent to the owner asking him to retain an engineer to submit a permit for the dam by June 1, 2004. While the owner did retain an engineer to start working on the application, a completed application had not been submitted when the agenda for the council meeting was set. Prior to the council meeting a call was made to the owner's engineer to check on the status of the safety permit application. The engineer admitted that he had placed the Anich Dam on a "back burner" because he did not realize that enforcement action was pending on the dam. The owner's engineer hand delivered the permit application to the WRP office the day before the council meeting. Mr. Alexander recommended no further enforcement action at this time, and no council members expressed disagreement with the recommendation.

### **FY-2005 BUDGET**

Ms. Hagerty asked for an update on the budget. Mr. Alexander reported that no withholdings from the WRP budget had occurred so far this fiscal year.

### **BOARD AND COMMISSIONS OPERATING POLICIES**

Mr. Alexander gave the council members a copy of the operating policies of the Boards and Commissions of DNR that has been modified to apply to the Dam and Reservoir Safety Council. He asked the council to review the policy and come to the next meeting prepared to adopt it.

### **DATE AND LOCATION OF NEXT COUNCIL MEETING**

The next meeting of the Dam and Reservoir Safety Council will be March 2, 2005 at 10:00 a.m. Due to construction work the conference room at the Division will not be available so the meeting location will be in Jefferson City, Missouri at the department's Elm Street complex.

### **VOTE TO GO INTO CLOSED SESSION AT THE BEGINNING OF THE NEXT MEETING**

Mr. Frueh made a motion that the Dam and Reservoir Safety Council meet in closed session at 10:00 a.m. on March 2, 2005 at the next regular council meeting for the purpose of discussing personnel actions, legal actions, causes of action, or litigation, confidential and privileged matters with the council's attorney, testing and examination, personnel records or applications or records which are otherwise protected from disclosure by law as provided for in Section 610.021, RSMo.

Mr. Boyer seconded the motion. Roll Call vote: Zoretta Schoonover, yes; Dean Freeman, yes; Mary Hagerty, yes; Richard Frueh, yes; Jeff Cawlfeld, yes and John Boyer, yes. Motion carried to move into closed session at the meeting on March 2, 2005.

### **MEETING ADJOURNED**

Mr. Cawlfeld made a motion to adjourn the meeting. Mrs. Schoonover seconded the motion and it passed.

Respectfully Submitted,

---

Tammy Theilen